

## **MEMORANDUM**

**DATE:** May 10, 2004

**TO:** Interested Parties

**FROM:** Larry Davis

**RE:** DRAFT Preliminary CAA/CIA Report

Accompanying this statement is the DRAFT Preliminary CAA/CIA Report that has been shared with the State Board of Education members and which will be the subject of discussion Wednesday morning, May 12<sup>th</sup>, at Educational Service District No. 101 in Spokane.

**Please keep in mind that this is a staff generated draft  
It is NOT an official position of the State Board.**

What is attached to this cover statement is exactly the same as was provided to the Board members. See table on next page for information on how to access those appendices that were not included with the mailing to the Board members.

The expectation is that on Wednesday, May 12<sup>th</sup>, following discussion and public comment, the Board will adopt a Preliminary Final Report that will be posted on the Board web page the following week. Public comment will be solicited and encouraged on that adopted preliminary final report. All feedback received will be summarized and presented to the State Board at its June 17-18 meeting in Seattle.

It remains the intent and plan of the Board to adopt a final report on June 17, 2004, in Seattle. The report will be presented to the Legislature and posted on the Board's web page.

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**FIRST WORKING DRAFT**

**FOR DISCUSSION  
PURPOSES**

**EVOLVING DOCUMENT**

**NOT CAST IN CONCRETE**

**WILL BE MODIFIED**

State Board of Education

Preliminary Report on  
Validity and Reliability Issues Related to the  
Certificate of Academic Achievement  
Graduation Requirement

Presented to the  
**House and Senate Education Committees**

by

Warren T. Smith Sr., President  
State Board of Education

June 23, 2004

**DATE:** June 23, 2004

**TO:** Members, Legislative Education Committees

**RE:** Final Report of the State Board of Education on Certificate of Academic Achievement Validity and Reliability Issues, Use of the CAA as a Statutory Graduation Requirement, and System Opportunity-To-Learn Issues

**CC:** Legislative Fiscal Committees

As President of the State Board of Education, it is my privilege to submit to the Legislative Education Committees this final report on the work of the State Board related to the Certificate of Academic Achievement.

This report is the culminating product of a public policy effort undertaken by the State Board in June 2000, and meets the Board's completion deadline of June 2004. At its March 2004 meeting, the Board adopted the following motion:

*"That the State Board of Education continue with its work plan and timeline and at its June 2004 meeting make determinations, with findings, on the validity and reliability of the high school assessment system for purposes of the 2008 Certificate of Academic Achievement graduation requirement; and further, beyond June 2004, that the State Board of Education continue to work with the Superintendent of Public Instruction, the Academic Achievement and Accountability Commission, and other parties to build the necessary system capacity for equity and opportunity to learn to assure student success."*

The motion was adopted after spirited, public discussion by the Board members on what future action was appropriate in light of the Legislature's 2004 decision to repeal statutory language from 1993 charging the Board with determining the

sufficiency of reliability and validity of the high school assessments (WASLs and WAAS) as measures of student learning of the EALRs. The Legislature's decision removed any consequential outcome should the Board nonetheless issue findings, statements, and recommendations. [NOTE: Prior to the passage of 3ESHB 2195, the State Board's decision would have formally triggered, or not, the CAA/CIA state graduation requirement.] Under 3ESHB 2195, beginning with the graduating Class of 2008 and in the absence of a formal declaration on validity and reliability issues, the CAA is made a formal graduation requirement.

It is for the following reasons that the Board has decided that it is important to submit the accompanying report:

1. The report is a down payment toward meeting the following requirement of 3ESHB 2195:

*"Sec. 102. (4) By November 30, 2004, the superintendent of public instruction and the state board of education shall provide to the house of representatives and senate education committees all available pertinent studies, information, and independent third-party analyses on the validity and reliability of the high school assessment system, especially as it pertains to the use of the system for individual student decisions."*

2. A clear majority of members of the broad education family has indicated it expects a report from the Board because they are interested in the State Board's perspective, views, and conclusions, and expect the State Board to make a report.
3. The Board will have put in four years of study on the issues. Completion of this investment of Board time and resources, as well as \$100,000 from the Legislature, is the publicly responsible thing to do.
4. The Board feels an obligation to honor the work of its Certificate of Mastery Study Committee (COMSC) that put in three years effort on the Board's behalf.

Legislative Education Committees

June 23, 2004

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5. The State Board accepts the fact that the Legislature had no inherent obligation to leave the validity and reliability determination with the Board and that it was the Legislature's prerogative not to assign the charge to another entity. Nonetheless, as a matter of public accountability, the Board continues to believe that some state level agency should have been assigned the responsibility for making the consequential policy judgment call on validity and reliability.

If you have questions or need additional information, please do not hesitate to contact me, or Larry Davis, the State Board's Executive Director, at (360) 725-6025, (360)-586-2357 (FAX), [ldavis@ospi.wednet.edu](mailto:ldavis@ospi.wednet.edu).

Sincerely,

Warren T. Smith, Sr.

President

State Board of Education

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EXECUTIVE SUMMARY

Will develop  
after May SBE meeting.

## INTRODUCTION

In 1993, the Legislature passed the Improvement of Student Achievement Act (E2SHB 1209). Prior to action taken by the 2004 Legislature, the law read, in part:

*“After a determination is made by the state board of education that the high school assessment system has been implemented and that it is sufficiently reliable and valid, successful completion of the high school assessment shall lead to a certificate of mastery. The certificate of mastery shall be obtained by most students at about the age of sixteen, and is evidence that the student has successfully mastered the essential academic learning requirements during his or her educational career. The certificate of mastery shall be required for graduation but shall not be the only requirement for graduation.”*

**RCW 28A.655.060(3)(c)**

In 1999, legislation was introduced that would have established in statute that the COM be formally required for graduation beginning with the graduating Class of 2008. The bill did not pass. However, as a result of dialogue with key legislators, the State Board indicated that it could and would use its rule-making authority to set a target effective date for the Certificate of Mastery, owing to its statutory authority to set an effective date when it makes changes to the state minimum graduation requirements.

In January 2000, the State Board of Education adopted a rule establishing 2008 as the target inaugural graduating class that will have to possess the COM in order to graduate, in addition to satisfying all other state and local graduation requirements. (**Appendix A**, SBE Policy: WAC 180-51-063). At the same time, the Board created the COM Study Committee (COMSC). (**Appendix B**, SBE Policy: WAC 180-51-064).

The 2004 Legislature elected to put the 2008 effective date for the Certificate of Mastery (now called the Certificate of Academic Achievement and the Certificate of Individual Achievement) into statute. In so doing, the Legislature also exercised its prerogative to remove the validity and reliability decision from the State Board. Notwithstanding this legislative decision, the State Board feels it is important to offer this report for the reasons stated in the transmittal letter.

This report addresses the following issues:

1. The technical validity and reliability of the high school Washington Assessments of Student Learning (WASLs – reading, writing, Mathematicsematics) as measures of student learning of the Essential Academic Learning Requirements (EALRs).

2. The technical validity and reliability of the high school Washington Alternate Assessment System (WAAS – reading, writing, Mathematics, science) as a measure of student learning of the EALRs.
3. The capacity of the state public education system to provide every student the necessary opportunity-to-learn the EALRs before taking the high-stakes high school WASLs.
4. The validity and reliability of the high school WASLs as the means for students to meet the statutory Certificate of Academic Achievement graduation requirement.

**SECTION 1**  
High School Reading WASL

**SBE Statement**  
**Reliability and Validity of the High School Reading WASL**

The State Board of Education finds that there is adequate evidence that the high school Reading WASL is sufficiently reliable and valid as a measure of student learning of the Reading EALRs.

**Evidence Relating to Reliability and Validity  
of the High School Reading WASL**

The State Board's finding as relates to the reliability and validity of the high school reading WASL takes into account the following information sources:

- A) The written statement issued by the national Technical Advisory Committee to the Office of Superintendent of Public Instruction [**Appendix C**]
- B) The 1999, 2000, 2001, and 2002 technical reports issued by the Office of Superintendent of Public Instruction [**Appendices D, E, F, and G**]
- C) Evidence for the Reliability and Validity of Scores from the WASL (Dr. Cathy Taylor) [**Appendix H**]
- D) The evidence notebooks maintained by the Office of Superintendent of Public Instruction [**Appendix I**]
- E) The May 2003 Certificate of Mastery Study Committee final report to the State Board of Education [**Appendix J**]

**Comment(s)**

As a measure of students' ability to demonstrate they know and can apply the Reading EALRs, the high school Reading WASL is technically reliable and valid. From 1999 through 2002, the mean scale score of all students taking the high school Reading

WASL has essentially remained the same, even as the number of students taking the test has increased by over 6,000. This is a positive development. Also, the coefficient rating exceeds the .85 level considered to be the minimum level needed to be confident about the validity/reliability of the test. The current rating level is .9.

As stated in the technical reports:

- *"Validity is an evaluative judgment about the degree to which the test scores can be interpreted to mean what the test developers actually claim that they mean."*
- *"Reliability of test scores is a measure of the degree to which the scores on the test are a 'true' measure of the examinees' knowledge and skill relevant to the tested knowledge and skills (reliability is the proportion of observed score variance that is true score variance.)"*

The findings in the technical reports related to the various analysis studies lead the State Board to concur with the summary statements in the reports:

VALIDITY: *"The results of these analyses provide evidence to support the validity of . . . WASL scores as measures of student learning of the EALRs."*

RELIABILITY: *" . . . the data from the interjudge agreement study indicates that the judges can consistently score performance using the scoring criteria developed for each item. Data from the alpha coefficients indicate that . . . the test scores can be trusted to represent examinees' performance on the concepts and skills measured by the test. Standard errors of measurement, however, are large enough that caution should be used when evaluating and making decisions based on individual students' scores."*

### Recommendation(s)

The State Board of Education recommends that the Superintendent of Public Instruction continue its ongoing efforts and practices to strengthen the technical validity and reliability of the high school Reading WASL as a measure of student learning of the Reading EALRs.

## SECTION 2

### High School Writing WASL

#### SBE Statement

##### Reliability and Validity of the High School Writing WASL

The State Board of Education finds that there is adequate evidence that the high school Writing WASL is sufficiently reliable and valid as a measure of student learning of the Writing EALRs.

#### Evidence Relating to Reliability and Validity of the High School Writing WASL

The State Board's finding as relates to the reliability and validity of the high school writing WASL takes into account the following information sources:

- A) The written statement issued by the national Technical Advisory Committee to the Office of Superintendent of Public Instruction [**Appendix C**]
- B) The 1999, 2000, 2001, and 2002 technical reports issued by the Office of Superintendent of Public Instruction [**Appendices D, E, F, and G**]
- C) Evidence for the Reliability and Validity of Scores from the WASL (Dr. Cathy Taylor) [**Appendix H**]
- D) The evidence notebooks maintained by the Office of Superintendent of Public Instruction [**Appendix I**]
- E) The May 2003 Certificate of Mastery Study Committee final report to the State Board of Education [**Appendix J**]

#### Comment(s)

As a measure of students' ability to demonstrate they know and can apply the Writing EALRs, the high school Writing WASL is technically reliable and valid. From 1999 through 2002, the mean scale score of all students taking the high school Writing

WASL has increased, even as the number of students taking the test has increased by nearly 8,000. This is a positive development. Also, the coefficient rating exceeds the .85 level considered to be the minimum level needed to be confident about the validity/reliability of the test. The current rating level is .9.

As stated in the technical reports:

- *"Validity is an evaluative judgment about the degree to which the test scores can be interpreted to mean what the test developers actually claim that they mean."*
- *"Reliability of test scores is a measure of the degree to which the scores on the test are a 'true' measure of the examinees' knowledge and skill relevant to the tested knowledge and skills (reliability is the proportion of observed score variance that is true score variance.)"*

The findings in the technical reports related to the various analysis studies lead the State Board to concur with the summary statements in the reports:

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RELIABILITY: *" . . . the data from the interjudge agreement study indicates that the judges can consistently score performance using the scoring criteria developed for each item. Data from the alpha coefficients indicate that . . . the test scores can be trusted to represent examinees' performance on the concepts and skills measured by the test. Standard errors of measurement, however, are large enough that caution should be used when evaluating and making decisions based on individual students' scores."*

### Recommendation(s)

The State Board of Education recommends that the Superintendent of Public Instruction continue its ongoing efforts and practices to strengthen the technical validity and reliability of the high school Writing WASL as a measure of student learning of the Writing EALRs.

**SECTION 3**  
High School Mathematics WASL

**SBE Statement**  
**Reliability and Validity of the High School Mathematics WASL**

The State Board of Education finds that there is adequate evidence that the high school Mathematics WASL is sufficiently reliable and valid as a measure of student learning of the Mathematics EALRs.

**Evidence Relating to Reliability and Validity**  
**of the High School Mathematics WASL**

The State Board's finding as relates to the reliability of the high school Mathematics WASL takes into account the following information sources:

- A) The written statement issued by the national Technical Advisory Committee to the Office of Superintendent of Public Instruction [**Appendix C**]
- B) The 1999, 2000, 2001, and 2002 technical reports issued by the Office of Superintendent of Public Instruction [**Appendices D, E, F, and G**]
- C) Evidence for the Reliability and Validity of Scores from the WASL (Dr. Cathy Taylor) [**Appendix H**]
- D) The evidence notebooks maintained by the Office of Superintendent of Public Instruction [**Appendix I**]
- E) The May 2003 Certificate of Mastery Study Committee final report to the State Board of Education [**Appendix J**]

**Comment(s)**

As a measure of students' ability to demonstrate they know and can apply the Mathematics EALRs, the high school Mathematics WASL is technically reliable and valid. From 1999 through 2002, the mean scale score of all students taking the high

school Mathematics WASL has increased, even as the number of students taking the test has increased by nearly

5,000. This is a positive development. Also, the coefficient rating exceeds the .85 level considered to be the minimum level needed to be confident about the validity/reliability of the test. The current rating level is .9.

As stated in the technical reports:

- *“Validity is an evaluative judgment about the degree to which the test scores can be interpreted to mean what the test developers actually claim that they mean.”*
- *“Reliability of test scores is a measure of the degree to which the scores on the test are a ‘true’ measure of the examinees’ knowledge and skill relevant to the tested knowledge and skills (reliability is the proportion of observed score variance that is true score variance.)”*

The findings in the technical reports related to the various analysis studies lead the State Board to concur with the summary statements in the reports:

VALIDITY: *“The results of these analyses provide evidence to support the validity of . . . WASL scores as measures of student learning of the EALRs.”*

RELIABILITY: *“. . . the data from the interjudge agreement study indicates that the judges can consistently score performance using the scoring criteria developed for each item. Data from the alpha coefficients indicate that . . . the test scores can be trusted to represent examinees’ performance on the concepts and skills measured by the test. Standard errors of measurement, however, are large enough that caution should be used when evaluating and making decisions based on individual students’ scores.”*

### Recommendation(s)

The State Board of Education recommends that the Superintendent of Public Instruction continue its ongoing efforts and practices to strengthen the technical validity and reliability of the high school Mathematics WASL as a measure of student learning of the Writing EALRs.

**SECTION 4**  
**High School WAAS**  
**(Washington Alternate Assessment System)**

**SBE Statement**  
**Reliability and Validity of the High School WAAS**

The State Board of Education finds that there is adequate evidence that the high school WAAS is sufficiently reliable and valid as a measure of student learning of the Reading, Writing, Mathematics, and Science EALRs (for those students eligible to use the WAAS).

**Evidence Relating to Reliability and Validity  
of the High School WAAS**

The State Board's finding as relates to the reliability of the high school WAAS takes into account the following information sources:

"The Washington Alternate Assessment System Technical Report on Standard Setting for the 2002 Portfolio. [Appendix K]

2002 WAAS Technical Report [Appendix L]

2003 WAAS Technical Report [Appendix M]

**Comment(s)**

The WAAS is a portfolio-based assessment of student learning in Reading, Writing, Mathematics, and Science. The portfolio approach that is used with a limited number of special education students with significant disabilities is pioneering work by Washington State. There have been two administrations of the WAAS, enough to establish baseline data, but not enough to draw firm conclusions, yet, about the validity and reliability of the WAAS as a measure of these students' learning of the EALRs.

As stated in the 2002 technical report, ". . . administration of the portfolio assessment is highly dependent on the individual student's Individualized Education Program (IEP). IEPs for this population are not universally aligned to EALR extensions, and extensive training over the next years should result in better alignment an articulation of IEP goals and objectives t hat allow students with significant disabilities to access the EALR standards."

### Recommendation(s)

The State Board of Education recommends that the Superintendent of Public Instruction continue its ongoing efforts and practices to strengthen the technical validity and reliability of the high school WAAS as a measure of student learning of the Reading, Writing, Mathematics, and Science EALRs.

## SECTION 5

### Commentary on Opportunity-To-Learn and System Capacity

In 1993, the Legislature made the policy decision that the COM (now CAA/CIA) would be a graduation requirement. In 2004, for the first time, the Legislature adopted a statutory effective date: 2008 for this graduation requirement. It is clear from court cases that certain system-related Opportunity-To-Learn (OTL) issues cannot be ignored, two of which are specifically cited in Assistant Attorney General David Stoler's memorandum [Appendix N]. The full range of OTL issues must be continually reviewed and addressed as decisions are made and policy developed regarding the delivery of curriculum, instruction, and assessment in Washington public schools..

Legal case law has established the high school diploma as a property right. The diploma can be denied as long as the process leading to diploma denial affords the student due process. This issue is addressed in greater detail in Section 6. Examples of unfair denial factors would include, but may not necessarily be limited to: no, or not enough, retake opportunities; curriculum that is not aligned to the state learning goals and EALRs (upon which the WASLs and WAAS are based); lack of, or inadequate, instruction of the EALRs; lack of, or inadequate, remediation opportunities for students who fail to perform on the assessments; inadequate notice of the graduation requirement.

The experiences of other states, and at least one case study of the cost of a high-stakes testing program (Indiana, Appendix O), underscore the importance of the old axiom, *"You get what you pay for."* **The State Board of Education counsels the Legislature to view expenditures on behalf of students' education as an investment, rather than a cost.** If Washington is to reasonably expect the performance outcomes we say we desire for all students, under-investing will undermine the capacity of the system to realize the promise of education reform and the goal of the state's Basic Education program:

*"RCW 28A.150.210 Basic Education Act -- Goal. The goal of the Basic Education Act for the schools of the state of Washington . . . shall be to provide students with the opportunity to become responsible citizens, to contribute to their own economic well-being and to that of their families and communities, and to enjoy productive and satisfying lives."*

Certain systemic policies and programs need to be established (in some instances requiring state funding), in order to best position the state for successful defense

of the CAA/CIA graduation requirement policy, should that policy be legally challenged in court. It is reasonable to assume that when the CAA/CIA becomes a formal graduation requirement in 2008, somewhere in this state a student will meet all state

and local graduation requirements except the CAA/CIA. It is at that point that the viability of the public policy could be challenged in court, and if so, most likely on a basis linked to an Opportunity-To-Learn issue. **Appendices P, Q, and R** offer primer information about Opportunity-To-Learn issues.

The Legislature must reflect on actions it can and should take during the 2005 legislative session to further underscore its commitment to education reform via the CAA/CIA state graduation requirement. Examples include:

- Investment funding for remediation and reinstruction
- Development, administration and scoring of WASL retakes
- Curriculum alignment activities, including funding to OSPI for development of Grade Level Expectations for grades 11-12
- EALRs and WASL alignment activities
- Professional development for teachers, paraeducators, and administrators.

## SECTION 6

### Commentary on Certificate of Academic Achievement As A State Graduation Requirement

The validity and reliability statements expressed in Sections 1 through 4 of this report neither affirm nor reject the wisdom of the statutory policy that makes the Certificates of Academic Achievement and Individual Achievement one of 11 state minimum graduation requirements. Nor do the statements secure provision of other policies and programs (see Section 5) that will significantly contribute to assuring fairness and due process if/when a student's diploma is denied by virtue of not earning the CAA/CIA via performance on the WASLs or WAAS (or an alternate assessment).

Let there be no doubt about the significance of the 1993 legislative policy (reaffirmed in 2004) making attainment of the Certificate of Mastery (now the CAA/CIA) a requirement to earn a public high school diploma. The courts have declared the high school diploma a property right [Debra P. v. Turlington, 644 F.2d 397 (5th Cir. 1981)].

Two excerpts from FindLaw are shared below to explain the notion of the diploma being considered a property right relative to the 14<sup>th</sup> Amendment of the U.S. Constitution:

*"To have a property interest in the constitutional sense, the Court held, it was not enough that one have an abstract need or desire for a benefit, that one have only a unilateral expectation. He must rather 'have a legitimate claim of entitlement' to the benefit. 'Property interests, of course, are not created by the Constitution. Rather, they are created and their dimensions are defined by existing rules or understandings that stem from an independent source such as state law--rules or understandings that secure certain benefits and that support claims of entitlement to those benefits.'"*

[FindLaw (Annotations excerpt on U.S. Constitution, 14<sup>th</sup> Amendment;  
<http://caselaw.lp.findlaw.com/data/constitution/amendment14/>)]

*"Phillips (1993) provided a discussion of the Debra P. v. Turlington case, considered the landmark case regarding tests to award diplomas. The trial court established that a high school diploma is a property interest, which makes it subject to protection under the Fourteenth Amendment. The decision in this case imposed the requirements of curricular validity and adequate notice on high school exit exams."* [NOTE: Curricular validity and adequate notice were the basis for the Debra P. v. Turlington case. High-stakes tests can be challenged for other reasons.]

[FindLaw (Annotations excerpt on U.S. Constitution, 14<sup>th</sup> Amendment;  
<http://caselaw.lp.findlaw.com/data/constitution/amendment14/>)]

It is possible to legally deny a student a high school diploma. The denial needs to be done in a fair manner that affords due process to the affected student. The CAA/CIA state graduation requirement policy can be viewed through the following lenses:

### **Validity and Reliability**

At the time the 1993 decision was made the legislative record does not convey that an analysis was conducted relative to the validity and reliability of the policy linking WASL results to the earning of the CAA/CIA state graduation requirement.

When that policy decision was reaffirmed in 2004, the Legislature did have access to a January 26, 2004 statement issued by the national Technical Advisory Committee advising State Superintendent Bergeson. The statement includes the following comment:

*"Given the opportunities for multiple retakes, the Grade 10 WASL scores are sufficiently reliable and valid to award the Certificate of Mastery."*

It is not clear to the State Board how this TAC assessment is to be viewed via-a-vis the September 2003, Final Summary document prepared for the Office of Superintendent of Public Instruction on "Certificate of Mastery - Documentation of Evidence." More specifically, relative to whether, *"Evidence supports intended interpretation of test scores for the proposed purpose,"* the comment in the September 2003 document states, *"Limited Evidence. There are minimal written records that state how the 10<sup>th</sup> grade WASL scores can be used to determine graduation from high school."*

The accompanying recommendation is that *"OSPI should create clear and specific materials that explain the intent to use test scores (10<sup>th</sup> grade) for high school graduation."* The State Board is not aware if such materials or additional records exist.

The national TAC statement also includes the following recommendations:

*"Given that the award of the Certificate of Mastery is a high stakes decision for individual students, the National TAC has discussed and recommends incorporating the following components:*

- *A partially compensatory decision model or a variation that allows for blending of scores.*
- *Alternative options for students from special populations.*
- *An appeal process.*
- *Policy and support for instruction and remediation."*

The statement by the national TAC is important in the context of one of the twelve conditions recommended by the American Educational Research Association (AERA) [Appendix S], in its July 2000 Position Statement Concerning High-Stakes Testing In Prek-12 Education, as “. . . essential to sound implementation of high-stakes educational testing programs.” The specific recommendation is:

*“Validation for Each Separate Intended Use Tests valid for one use may be invalid for another. Each separate use of a high-stakes test, for individual certification, for school evaluation, for curricular improvement, for increasing student motivation, or for other uses requires a separate evaluation of the strengths and limitations of both the testing program and the test itself.”*

The State Board does not have sufficient knowledge to comment on whether the work and statement of the national TAC is adequate with respect to the AERA recommendation. However, it is clear to the Board that while the use of the high school WASLs (and WAAS) as a measure of student achievement of the tested EALRs is one use of the test results, linking the tests to the CAA/CIA graduation requirement is a separate and distinct use of the test results.

### **Application of the CAA/CIA State Graduation Requirement**

Washington State does not treat all students the same regarding the CAA/CIA graduation requirement. Current state law expounds a policy that only certain students – public school students – shall be required to meet the requirement as one condition to earning a high school diploma. This requirement does not extend to students who are working toward their diploma in a private school or at home. These students are afforded the privilege of choosing to take the WASLs or WAAS.

By way of ongoing monitoring, the Legislature needs to be mindful of potential unintended consequences of applying the CAA/CIA graduation requirement to some of the state’s high school students and not all of them.

### **System Capacity/Opportunity-To-Learn**

As discussed in Section 5 of this report, the capacity of the system to provide all students the opportunities they need to learn the EALRs prior to taking the high school assessments is vital. It is the State Board’s view that the January 2005 legislative session, during which the critical 2005-07 operating budget will be developed, is extremely important to the viability of the 2008 effective date for the CAA/CIA graduation requirement. The budget outcome could impact the 2008 decision made by the 2004 Legislature.

### **High-Stakes: In Context**

Any state or local graduation requirement is high-stakes if failure to meet the applicable performance standards means the student will not earn a diploma. In this sense, the CAA/CIA graduation requirement is no different from all other state and local graduation requirements. What distinguishes the CAA/CIA requirement from the other requirements is that the state controls the determination of when the student has met it. School districts are in the controlling position of determining when students have met the other ten state requirements and any additional local requirements for graduation:

*"RCW 28A.230.120 (1) School districts shall issue diplomas to students signifying graduation from high school upon the students' satisfactory completion of all local and state graduation requirements."*

An additional distinguishing feature of the CAA graduation requirement, for the time being, is that it can be earned only one way – passing the WASLs or WAAS.

Balancing the dual perspective above, it is worth highlighting below one of the twelve conditions for high-stakes testing recommended by the American Educational Research Association (AERA):

***"Protection Against High-Stakes Decisions Based on a Single Test***  
*Decisions that affect individual students' life chances or educational opportunities should not be made on the basis of test scores alone. Other relevant information should be taken into account to enhance the overall validity of such decisions. As a minimum assurance of fairness, when tests are used as part of making high-stakes decisions for individual students such as promotion to the next grade or high school graduation, students must be afforded multiple opportunities to pass the test. More importantly, when there is credible evidence that a test score may not adequately reflect a student's true proficiency, alternative acceptable means should be provided by which to demonstrate attainment of the tested standards."*

The AERA recommendation above is complemented by the following statements that are included in the 1999-2002 OSPI Technical Reports on the high school WASLs:

*"To test all of the desired concepts and skills in a domain, testing time would be inordinately long. Well designed state or national achievement tests, whether norm-or criterion-referenced, always include samples from the domain of desired concepts and skills. Therefore, when state or national achievement tests are used, we generalize from a student's performance on*

*the sample of items in the test and estimate how the student would perform in the domain as a whole. To have a broader measure of student achievement in some domain, it is necessary to use more than one assessment. District and classroom assessments are both useful and necessary to supplement information that is derived from state or national achievement tests."*

*"APPROPRIATE USE OF TEST SCORES While school and district scores may be useful in curriculum and instructional planning, it is important to exercise extreme caution when interpreting individual reports. The items included on WASL tests are samples from a larger domain. Scores from one test given on a single occasion should never be used to make important decisions about students' placement, the type of instruction they receive, or retention in a given grade level in school. It is important to corroborate individual scores on WASL tests with classroom-based and other local evidence of student learning (e.g., scores from district testing programs). When making decisions about individuals, multiple sources of information should be used and multiple individuals who are familiar with the student's progress and achievement (including parents, teachers, school counselors, school psychologists, specialist teachers, and possibly even the students themselves) should be brought together to make such decisions collaboratively."*

This commentary is not about the wisdom of the CAA/CIA policy per se. The Legislature made that judgment in 1993 and reaffirmed it in 2004. The point is to impress upon the Legislature that it needs to make sure it has addressed those issues that might pose the greatest exposure in the event of a legal challenge to the CAA/CIA graduation requirement. It set the policy. In so doing the Legislature has committed itself to the success of all students. Now, it has the responsibility and accountability for state-level follow through.

## SECTION 7

### Summary History of SBE Role and Activities: [1209 to 2195 -- 1993 to 2004]

In 1993, the Legislature passed the Improvement of Student Achievement Act (SHB 1209). Prior to action taken by the 2004 Legislature, the law read, in part:

*"After a determination is made by the state board of education that the high school assessment system has been implemented and that it is sufficiently reliable and valid, successful completion of the high school assessment shall lead to a certificate of mastery. The certificate of mastery shall be obtained by most students at about the age of sixteen, and is evidence that the student has successfully mastered the essential academic learning requirements during his or her educational career. The certificate of mastery shall be required for graduation but shall not be the only requirement for graduation."*

**RCW 28A.655.060(3)(c)**

In 1997, the then Commission on Student Learning submitted to the legislative education committees a report developed by the Commission's Certificate of Mastery Ad Hoc Committee, entitled: Recommendations on the Washington Certificate of Mastery. The report recommended formal implementation of the Certificate of Mastery (COM) beginning with the graduating Class of 2006. (Copies available upon request to the OSPI Policy and Partnerships Office.)

In 1999, legislation was introduced that would have established in statute that the COM be formally required for graduation beginning with the graduating Class of 2008. The bill did not pass. However, as a result of dialogue with key legislators, the State Board indicated that it could and would use its rule-making authority to set a target effective date for the Certificate of Mastery, owing to its statutory authority to set an effective date when it makes changes to the state minimum graduation requirements.

In January 2000, the State Board of Education adopted a rule establishing 2008 as the target inaugural graduating class that will have to possess the COM in order to graduate, in addition to satisfying all other state and local graduation requirements.

The COMSC members were appointed in late May 2000 by then State Board President Linda Carpenter. State Board member Gary Gainer was appointed as the committee chair. Mr. Gainer chose in October 2002 not to seek another term on the State Board. However, with the support of the Board and agreement by Mr. Gainer, then Board

President Bobbie May asked him to continue to serve as chair of the COM Study Committee until it sunsetted in May 2003.

The COM Study Committee met a total of 19 times during its three years:

2000 – June 30, September 28, November 28

2001 – January 30, March 20, May 1, October 1, November 27

2002 – February 19, April 23, May 21, August 15, September 19, October 17, November 19

2003 – January 24, February 20, March 27, May 8.

Minutes of most of the committee's meetings are available on the website of the State Board of Education ([www.sbe.wa.gov](http://www.sbe.wa.gov)).

### Overview of COMSC Activities - 2000

Between June and October 2000, the COM Study Committee established a mission, work goals, and timeline:

#### Committee Mission

Examine and make recommendations to the State Board of Education on validity and reliability issues and conduct a review and analysis of the requirement that students obtain a certificate (of mastery) as a condition for high school graduation.

#### Committee Work Goals

1. Make a recommendation to the State Board of Education about the validity and reliability of the secondary Washington Assessment of Student Learning (WASL).
2. Make recommendations to the State Board of Education regarding an evaluation of the readiness of the system to support the secondary WASL as a graduation requirement.
3. Make recommendations to the State Board of Education regarding what to do for students who do not and cannot pass the secondary WASL.

The committee also developed a starting point list of issues to study, including issues identified under SB 6418 introduced during the 2000 legislative session [**Appendix T**]. The committee sought guidance from the Legislature in the form of letters to the committee chairs and ranking members of the House and Senate Education Committees [**Appendix U**].

## Committee Timeline

The State Board established May 2003 as the final date for the COM Study Committee to submit its findings and recommendations to the Board.

### **Overview of COMSC Activities - 2001**

In February 2001, the COM Study Committee participated in a work session with the Senate Education Committee. Many of the 2001 committee meetings were informational in nature, including:

- Dr. Rosemary Fitton, Office of Superintendent of Public Instruction (OSPI), Presentation on the basics of validity and reliability issues;
- Dr. Cathy Taylor, University of Washington, Presentation on setting cut-scores and performance standards;
- Greg Hall, Assistant Superintendent for Assessment, OSPI, Presented the history of education reform and high stakes testing in Alberta, Canada;
- Dr. Thomas Haladyna, Professor of Educational Psychology, Arizona State University-West, Presentation on accountability, uses of high-stakes test scores, legal defensibility and validity, and opportunity-to-learn;
- Dr. Pat Almond, Oregon Department of Education, Presentation on Oregon's approach to alternative assessments.

During 2001, the committee benefited from the research support of Catherine Hardison, a law student at Seattle University. She developed and presented a report on high stakes testing issues and the experience of selected states. [Appendix V]

### **Overview of COMSC Activities - 2002**

The 2002 committee meetings continued to provide opportunities for the committee members to expand their knowledge and understanding of assessment issues through a variety of presentations and dialogues; including conversations with two members of Superintendent Bergeson's national TAC –

- William Mehrens (retired Michigan State University professor of counseling, educational psychology and special education, and past President of the National Council on Measurement in Education, and the Association for Measurement and Evaluation in Guidance); and
- Joseph Ryan (Director of the Research Consulting Center at Arizona State University West, and teacher of research and statistics courses in the Colleges of Education and Arts and Sciences.

The committee also had an opportunity to engage in a conversation with W. James Popham, professor emeritus of U.C.L.A., past President of the American Educational Research Association, and chair of The National Commission on Instructionally Supportive Assessment. The commission's October 2001 report, *"Building Tests To Support Instruction and Accountability: A Guide for Policymakers,"* was shared with the committee at its August 2002 meeting. [Appendix W, summary of the nine guidelines].

COMSC status report opportunities were afforded by the House and Senate Education Committees on January 16, 2002. Additional update reports were presented to the House Education Committee on May 9<sup>th</sup> and December 4<sup>th</sup>, 2002.

In Fall 2002, through funding provided by the Legislature, the State Board of Education contracted with Mr. Geoff Praeger to conduct a representative sample statewide survey on Opportunity-To-Learn issues.

Surveys were sent to 84 districts spread across the following enrollment categories: 1-499, 500-1999, 2000-4999, 5000-9999, 10,000-19,999, and 20,000 and above. A total of sixteen (16) targeted groups received surveys: approximately 5000 students at each of the designated grade levels, over 3000 teachers, 300 principals at each level, 4000 parents, and all school district superintendents, curriculum directors, special education directors, assessment coordinators, and school board presidents.

The groups represented different roles in education and have different perspectives. Consequently, while the surveys were not exactly the same there were similar questions relating to common topics such as: reading, writing, listening, Mathematics, curriculum alignment with the EALRs, use of assessment results for instructional planning, resources, staff training, reinstruction and remediation opportunities, reporting of results to students and parents, awareness of the COM as a graduation requirement, coordination of curriculum, instruction, and assessment.

Each of the surveys can be found on the State Board web site at [www.sbe.wa.gov](http://www.sbe.wa.gov). (Click on "Grad Requirements" in the subject menu; then scroll down to "Opportunity to Learn Survey for Participating Districts.") The full report also can be accessed via the State Board of Education website. The survey results [**Appendix X, summary**] were released in February 2003.

### Overview of COMSC/SBE Activities - 2003

In February 2003, the results of a representative sample statewide survey of districts regarding Opportunity To Learn (OTL) issues was completed and shared with the Legislature.

The OTL survey results generally indicate favorable systemic progress toward providing all students sufficient opportunity to learn the EALRs before taking the high school assessments and earning the COM. Included among the areas responding stakeholders saw a need for improvement are: resources to complete curriculum alignment work; continuation of professional development opportunities for teachers and other staff; funding for support services for students whose social/emotional/physical problems are interfering with their opportunity to learn; and increasing the instructional time devoted to meeting the standards by providing resources for remedial classes, summer school, etc. [NOTE: It is important to keep in mind that the results reflect one source of OTL information, a single, point-in-time snapshot of the common school system taken in late Fall 2002.]

In May 2003, the COM Study Committee completed its work with submittal of its final report to the State Board of Education at the Board's May 2003 meeting. The report includes committee positions for the three goals, sub-divided into five areas:

- GOAL 1A    Make a recommendation to the State Board of Education about the validity of the secondary Washington Assessments of Student Learning (WASLs).
- GOAL 1B    Make a recommendation to the State Board of Education about the reliability of the secondary Washington Assessments of Student Learning (WASLs).
- GOAL 2A    Make recommendations to the State Board of Education regarding a legal analysis of the readiness of the system to support the secondary WASLs as a graduation requirement.
- GOAL 2B    Make recommendations to the State Board of Education regarding a fairness analysis of the readiness of the system to support the secondary WASLs as a graduation requirement.
- GOAL 3     Make recommendations to the State Board of Education regarding what to do for students who do not and cannot pass the secondary WASLs.

The report reflects that some committee members believed that the state is on track to establish certain policies and programs (some requiring funding; see list below), and felt comfortable taking the position that the high school assessment system is sufficiently reliable and valid. The report also reflects that other committee members, while agreeing on a number of the policies and programs, were not comfortable taking a position that the high school assessment system is sufficiently reliable and valid until after the policies and programs are in place. The list of “consensus” agreement policies and programs includes:

- Adequate notice of the COM graduation requirement
- Retake opportunities
- Provision of remediation opportunities
- Alignment of curriculum and instruction
- Availability of an alternate assessment (as rigorous as the WASLs)
- Appeals opportunity (limited)
- Teacher readiness and effectiveness
- Uniform test administration guidelines

After receipt of the COMSC final report, the State Board began operating as a “committee of the whole” toward its June 2004 self-imposed deadline to make a decision. The Board adopted an evolving work plan for its focus and efforts from October 2003 to June 2004. [Appendix Y]

In August 2003, Mr. David Stoler, the State Board’s assigned Assistant Attorney General, verbally shared with the State Board his initial legal perspective about the scope of the Board’s then existing decision authority. Expressed at the time was his preliminary view that the Board’s decision was to determine if the high school assessment system is sufficiently reliable and valid as a measure of student learning of the EALRs, rather than to determine if the high school assessment system is sufficiently reliable and valid as the means for students to meet the COM graduation requirement. Subsequently, in January 2004, Mr. Stoler formalized his perspective in a written memorandum. (See 2004 Overview.)

#### **Overview of COMSC/SBE Activities - 2004**

Notwithstanding the 2004 legislative decision to have no state entity render a formal decision on reliability and validity issues (NOTE: The absence of any state-level body making a formal decision does not necessarily mean that the WASLs and WAAS are not reliable and valid.), Mr. Stoler’s memorandum is an important contextual document and is linked to that portion of this report dealing with the Board’s statement about the

technical reliability and validity of the high school WASLs (and WAAS). The memorandum is a well-articulated analysis of key terms, statutory language in place at the time the memo was written, and guiding court cases. The memorandum conclusion is shared below. It is important to read the entire contents of the Memorandum so that the context in which the conclusion is grounded is fully understood.

*“The Legislature charged the Commission on Student Learning and OSPI to develop the EALRs and develop an assessment designed to measure mastery of the EALRs. It charged school districts to provide a basic education program that includes the EALRs. It charged this Board to determine that the high school assessment system is sufficiently reliable and valid for measuring whether students have mastered the EALRs. If and when the Board makes a positive determination, the COM will become a graduation requirement. In the narrowest sense, the Board will have discharged its legal duty at that point.”*

*“The fact that the Board has been placed in the position of triggering the graduation requirement implies that the Board should also be aware of the “fairness” issues. Case law regarding the fairness of high stakes tests suggests that the most critical components of fundamental fairness are the following: (1) sufficient reliability and validity of the test, i.e., whether the test measures what it purports to measure and does so with a sufficient degree of reliability; (2) a requirement that the measured skills be taught; (3) sufficient notice that successful performance on the assessment will be required for graduation; (4) opportunities for students to retake the exam; and (5) remediation opportunities for students who fail to successfully perform on the exam.”*

*“Therefore, I believe the Board could and should appropriately advise publicly on the presence or absence of the recognized components of fairness as a corollary to determining reliability and validity of the assessment.”*

The policy-making landscape changed for the State Board of Education with passage of 3ESHB 2195 in 2004. Under this legislation, statutory language dating back to 1993 was repealed, eliminating the charge to the State Board to determine the sufficiency of reliability and validity of the high school assessments (WASLs and WAAS) as measures of student learning of the EALRs. The Legislature’s decision removed any consequential outcome should the Board issue findings, statements, and recommendations. [NOTE: Prior to 3ESHB 2195, the State Board’s decision would have formally triggered, or not, the Certificate of Academic Achievement (CAA) graduation requirement. Under 3ESHB 2195, the CAA is made a formal graduation requirement, beginning with the graduating Class of 2008.

At its March 2004 meeting, after public discussion by the Board members on what future action was appropriate in light of the language repealed in 3ESHB 2195, the State Board adopted the following motion:

*"That the State Board of Education continue with its work plan and timeline and at its June 2004 meeting make determinations, with findings, on the validity and reliability of the high school assessment system for purposes of the 2008 Certificate of Academic Achievement graduation requirement; and further, beyond June 2004, that the State Board of Education continue to work with the Superintendent of Public Instruction, the Academic Achievement and Accountability Commission, and other parties to build the necessary system capacity for equity and opportunity to learn to assure student success."*

## SECTION 8

### Closing Perspectives

In this section the State Board offers perspectives on the following issues: (1) WASL cut-score; (2) Alternate assessments; (3) 2005-07 State operating budget, and (4) Classroom-based assessments and the goal of Basic Education; and concludes with a big picture commentary.

Eyes will be on the 1995 Legislature. It will have at least three important decisions to make related to education reform:

1. What action, if any, it will take in response to the high school **WASL cut-score** recommendation by the Academic Achievement and Accountability Commission. The Legislature's decision will have some bearing on at least one important budget consideration the courts have indicated is a significant Opportunity-To-Learn issue: remediation (see Point #3 below).
2. What action it will take regarding **alternate assessments** to the WASLs. In passing 3ESHB 2195, the Legislature has directed that the State Superintendent,

*“ . . . shall develop options for implementing objective alternative assessments, which may include an appeals process, for students to demonstrate achievement of the state academic standards. The objective alternative assessments shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning and be objective in its determination of student achievement of the state standards. Before any objective alternative assessments are used by a student to demonstrate that the student has met the state standards in a content area required to obtain a certificate, the legislature shall formally approve the use of any objective alternative assessments through the omnibus appropriations act or by statute or concurrent resolution.”*

This charge appears to be a significant challenge. In the 1999-2002 OSPI Technical Reports on the high school WASLs, text in those reports suggest part of the challenge in front of the State Superintendent's Office:

*"There are several ways to obtain estimates of score reliability: test-retest, alternate forms, internal consistency, and generalizability analysis are the most common. Test-retest estimates require administration of the same test at two different times. Typically the testing times for achievement tests are close together so that new learning does not impact scores. Alternate forms reliability estimates require administration of two parallel tests. These tests must be created in such a way that we have confidence that they measure the same domain of knowledge and skills using different items. Both test-retest and alternate forms estimates of the reliability of scores require significant testing time for examinees and are generally avoided when there is a concern that fatigue or loss of motivation might impact the resulting reliability coefficient."*

*"The Washington Assessment of Student Learning (WASL) is a rigorous measure that requires significant concentration on the part of students for a sustained period of time. For this reason, it was determined that test-retest and alternate forms reliability methods were unlikely to yield accurate estimates of score reliability. Therefore, internal consistency measures were used to estimate score reliability for Reading, Listening, Writing, and Mathematicsematics tests."*

### **3. 2005-07 State Operating Budget:**

1993 legislative intent (HB 1209) still stands, *"The legislature . . . finds that improving student achievement will require . . . Time and resources for educators to collaboratively develop and implement strategies for improved student learning;"*

Remediation needs to be tailored to students' needs. The initial cost of remediation should become lower over time as the expectations of the system are better understood. Willingness to provide funds for remediation investments to support students who need additional help to meet the CAA/CIA graduation requirement will be a key barometer of legislative will and commitment to the success of the education reform initiative. In the consideration of responding to this challenge, the Legislature is encouraged to include in its approach thinking about struggling students in terms of "time to reach standard" rather than "ability to reach standard."

#### 4. Classroom-Based Assessment and the Goal of Basic Education

3ESHB 2195 (2004) includes the following statement,

*"A comprehensive education involves the entire domain of human knowledge to participate productively in our democratic society. All Washington students should have some appreciation of Mathematicsematical and scientific principles and structures, a broad awareness of social, economic, and political systems and developments and an appreciation of the arts and humanities, and the elements of good personal health."*

Although these subjects are not part of the state accountability system, nor linked to the CAA/CIA state graduation requirement, the 3ESHB 2195 language complements RCW 28A.150.210 that declares these Student Learning Goal 2 subjects to also be essential. This leads the State Board to make two further biennial budget funding recommendations:

1. Provide the funds as may be necessary for the development - and training in the use - of performance-based, classroom-based assessments in the Social Studies, the Arts, and Health and Fitness. An excellent start is reflected in 3ESHB 2195:

*"Sec. 203. By the end of the 2008-09 school year, school districts shall have in place in elementary schools, middle schools, and high schools assessments or other strategies to assure that students have an opportunity to learn the essential academic learning requirements in social studies, the arts, and health and fitness.*

*Beginning with the 2008-09 school year, school districts shall annually submit an implementation verification report to the office of the superintendent of public instruction."*

2. Provide the funds and directive to an appropriate body to study the effect of these classroom-based assessments for positive impact on student learning, and determine if the same classroom-based approach should or could be applied to the current WASLs in Reading, Writing, Mathematics, and Science.

The Board's rationale for these funding recommendations is grounded in a belief that the Social Studies, the Arts, and Health and Fitness are key to any expectation of the state meeting its Basic Education goal. The reason is because the Basic

Education goal is primarily affective in nature while the state accountability system and graduation requirements are predominantly cognitive in nature. If the system is going to be held accountable for meeting the Basic Education goal, then all the subjects listed under the Student Learning Goals need to be assessed at some level and with some degree of standardization.

### Big Picture Commentary

Implementing a performance-based education system with a focus on continually improving student achievement means the state will always be engaged in the implementation process. Passage of 3ESHB 2195 was an important test of legislative resolve to continue moving forward with reshaping the public education system to meet the needs of its young people in this century. The 2005 biennial budget session likely will be the more important test of legislative commitment.

The CAA/CIA state graduation requirement will profoundly affect the life of every student, family, educator, administrator, and business in the state. As such, the 2005 budget session will be a benchmark measure of legislative fortitude to make sure that all necessary steps have been taken and resourced to yield a positive outcome for students in the Class of 2008 and beyond.

Is the education reform journey that was begun in 1993 going to get us to the goal of Basic Education? Will the CAA/CIA graduation requirement component of reform help us get to the Basic Education goal? The State Board of Education believes so. Time will tell. The Legislature has started and not completed its commitment to supporting education reform to fruition - success for all students. AS LONG AS we all do not get caught up with dispassionate statistics and keep the focus on the needs of EVERY student, the destination of success for every student can and will be realized because:

- The resources are there to respond when a student is identified as needing additional assistance (students who are not meeting standards), [HB 1209, 1993: *"It is the intent of the legislature to . . . provide alternative or additional instructional opportunities to help students who are having difficulty meeting the essential academic learning requirements. . ."*]; and
- The resources are there to respond when a student is identified as needing enhanced learning opportunities (students who are meeting or exceeding standards) [HB 1209, 1993: *"It is also the intent of the legislature that students who have met or exceeded the essential academic learning requirements be provided with alternative or additional instructional opportunities to help advance their educational experience."*]

Presently, Washington's public education system is resulting in just 66% of high school students graduating "on time." Can we do better? There is no option except to do better. Only through the continued collaborative efforts of all parties will the state fully realize the goal of basic education that was rewritten by the Legislature in 1993:

*"The goal of the Basic Education Act for the schools of the state of Washington... shall be to provide students with the opportunity to become responsible citizens, to contribute to their own economic well-being and to that of their families and communities, and to enjoy productive and satisfying lives."*  
[RCW 28A.150.210]

The State Board's March 2004 motion (excerpted below) expresses its commitment to continue to contribute so that the education reform journey will lead to the change we all want for our students – an enhanced educational foundation for their 21<sup>st</sup> century futures:

*". . . beyond June 2004, that the State Board of Education continue to work with the Superintendent of Public Instruction, the Academic Achievement and Accountability Commission, and other parties to build the necessary system capacity for equity and opportunity to learn to assure student success."*

An old Chinese proverb captures the essence of what's at stake with maintaining the state commitment to education reform:

*"Do not hold your children to your education,  
for they were born into a different time."*